

REMARKS

Claims remaining in the present patent application are numbered 1-22. The rejections and comments of the Examiner set forth in the Office Action dated October 5, 2004 have been carefully considered by the Applicants. Applicants respectfully request the Examiner to consider and allow the remaining claims.

35 U.S.C. §112 Rejection

The present Office Action rejected Claims 8 and 29 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter. Applicants have herein amended Claims 8 and 29 to correct point out and distinctly claim the subject matter which Applicants regard as their invention. In particular, Claim 8 has been amended to properly depend from Claim 5 and Claim 29 has been amended to properly depend from Claim 26, thereby providing proper antecedent basis for the limitation, "said format." Applicants request re-consideration of Claims 8 and 29.

35 U.S.C. §102 Rejection

The present Office Action rejected Claims 1, 2, 4, 5, 9-12, 15-19, 21-23, 25, 26, 30, 31 under 35 U.S.C. 102(b) as being anticipated by Blonder (U.S. Patent No. 5,802,275).

Applicants have reviewed the above cited reference and respectfully submit that the present invention as recited in Claims 1, 2, 4, 5, 9-12, 15-19, 21-23, 25, 26, 30, 31, is neither anticipated nor rendered obvious by the Blonder reference.

Independent Claims 1 and 22

Applicants respectfully point out that independent Claims 1 and 22 each recite that the present invention recites, in part:

[A] method of restoration comprising the steps of:

a) automatically extracting for restoring purposes from said electronic device information unique to said electronic device, wherein said information comprises critical operating parameters
. . . (Emphasis Added)

Embodiments of the present invention pertain to automated personality transfer for a wireless enabled handheld device. In particular, independent Claims 1 and 22 recite that information comprising critical operating parameters is automatically extracted from the electronic device for restoring purposes.

Applicants respectfully note that the prior art reference, Blonder, does not teach nor suggest the present method for automated personality transfer in which critical

operating parameters are automatically extracted for restoring purposes, as claimed in independent Claims 1 and 22 of the present invention.

In contrast to independent Claims 1 and 22 of the present invention, the Blonder reference, discloses a PDA that receives and executes both encrypted and unencrypted programs. In particular, to prevent contamination by infected programs in one mode, only encrypted programs that are keyed to the individual PDA's unique device identifier can be decrypted and executed by the PDA.

The Blonder reference is able to provide a new software product, in one instance, that is distributed in encrypted form. By connecting the PDA to the server, the encrypted software can be authorized to be passed to the PDA after the PDA identifier, software product identifier have been verified. (See col. 3 line 55 through col. 4 line 5 of the Blonder reference). That is, the PDA identifier has already been created and stored at some location. Also, the blonder reference does not disclose the extraction of the PDA identifier, and the storage of the PDA identifier for restoring purposes.

In addition, the Blonder reference provides for the reloading of the encrypted software product onto a replacement PDA. That is, a server provides a substitute of

the encrypted software, or a backup of the encrypted software to the replacement PDA.

In contrast, embodiments of the present invention claim a method for restoration in which information is automatically extracted from the electronic device, and wherein the information includes critical operating parameters, as recited in independent Claims 1 and 22. Distinctively, independent Claims 1 and 22 each disclose that information including critical operating parameters is automatically extracted from the electronic device for storage. The information is stored on the electronic device for restoring purposes. As such, embodiments of the present invention disclose the separate and additional storing of the information on the electronic device for restoring purposes, as recited in independent Claims 1 and 22.

The Blonder reference, on the other hand, does not disclose the extraction of information from the electronic device. That is, the Blonder reference describes the use of the PDA identifier, not for backup purposes, but to obtain a copy of encrypted software.

Thus, Applicants respectfully submit that the present invention as disclosed in independent Claims 1 and 22 is not anticipated by the Blonder reference, and is in a condition for allowance. In addition, Applicants respectfully submit

that Claims 2-10 which depend from independent Claim 1 are also in a condition for allowance as being dependent on an allowable base claim. Also, Applicants respectfully submit that Claims 23-31 which depend from independent Claim 22 are also in a condition for allowance as being dependent on an allowable base claim.

Independent Claim 11

Applicants respectfully point out that independent Claim 11 recites that the present invention recites, in part:

[A] method of restoration comprising the steps of:

a) automatically searching for a plurality of files contained within said electronic device, said plurality of files following a unique file format;

b) automatically displaying a list of said plurality of files;

c) automatically acknowledging selection of one of said plurality of files, a selected file; and

d) automatically importing data contained within said selected file into said electronic device for restoring radio calibration parameters for adjusting the frequency of wireless communication by said electronic device.

(Emphasis Added)

Embodiments of the present invention pertain to a method of restoration for a wireless enabled handheld device. In particular, independent Claim 1 recites that files stored on the electronic device are used for restoring radio calibration parameters. The radio calibration parameters are

used for adjusting the frequency of wireless communication by the electronic device.

Applicants respectfully note that the prior art reference, Blonder, does not teach nor suggest the present method for restoration that utilizes files stored on the electronic device for restoring radio calibration parameters, as claimed in independent Claim 11.

In contrast to independent Claims 1 and 22 of the present invention, the Blonder reference, discloses a PDA that uses a server to restore a software program onto a PDA. That is, a replacement or substitute software program stored on a server can be installed onto a replacement PDA for restoration of the functionality of the original PDA. In addition, the server can be used for storing backup files.

However, the Blonder reference does not disclose the storing of files on the electronic device itself, where the files are used to restore radio calibration parameters on the electronic device, as claimed in independent Claim 11. That is, the Blonder reference teaches away from the present embodiment of the invention by disclosing the storage of replacement software programs or backup files on a remote server.

On the other hand, distinct from the Bonder reference, embodiments of the present invention disclose the importing of data contained within a file onto the electronic device, where the file is explicitly stored on the electronic device. In addition, the data in the file is used for restoring radio calibration parameters for adjusting the frequency of wireless communication by the electronic device, which is not disclosed in the Blonder reference.

Thus, Applicants respectfully submit that the present invention as disclosed in independent Claim 11 is not anticipated by the Blonder reference, and is in a condition for allowance. In addition, Applicants respectfully submit that Claims 12-21 which depend from independent Claim 11 are also in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103 Rejection

The present Office Action rejected Claims 3, 6-8, 14, 20, 24, and 27-29 under 35 U.S.C. 103(a) as being unpatentable over Blonder in view of obviousness. Applicants have reviewed the above cited references as well as the objections and respectfully submit that the present invention as recited in Claims 3, 6-8, 14, 20, 24, and 27-29, is neither anticipated nor rendered obvious by the Blonder reference taken alone or in combination with general obviousness.

Applicants respectfully submit that the present invention as disclosed in dependent Claims 3, 6-8, 14, 20, 24, and 27-29 is not anticipated by the Blonder et al. reference, taken alone or in combination with obviousness. Specifically, embodiments of the present invention as described in Claims 3, 6-8, 14, 20, 24, and 27-29 for analogous arguments set forth above with respect to independent Claims 1, 11, and 22 each describe in part that either information is extracted from the electronic device and stored on the electronic device for restoring purposes, or that that information is imported from a file onto the electronic device for restoring radio calibration parameters for adjusting the frequency of wireless communication by the electronic device. As such, dependent Claims 3, 6-8, 14, 20, 24, and 27-29 are in a condition for allowance as being dependent on allowable base claims 1, 11 and 22.

Moreover, as to the obviousness rejection, Applicants respectfully assert that the embodiments of the present invention as disclosed in Claims 3, 6-8, 14, 20, 24, and 27-29 are not rendered obvious taken in combination with the Blonder reference. That is, Applicants respectfully assert that it is not obvious and is counter intuitive to store duplicative information on the very same electronic device upon which the information is intended to be used for restoration of the electronic device. As such, Applicants

respectfully request that specific references showing the obviousness of the invention be presented.

CONCLUSION

In light of the amendments and arguments presented herein, Applicants respectfully request reconsideration of the rejected Claims for allowance thereof.

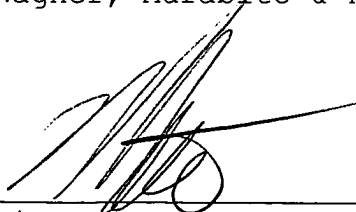
Based on the arguments presented above, Applicants respectfully assert that Claims 1-31 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
Wagner, Murabito & Hao LLP

Date: _____

5 JANUARY 2005



Lin C. Hsu
Reg. No.: 46,315
Two North Market Street
Third Floor
San Jose, California 95113